

Stephenson D. Emery, W.S.B. #5-2321  
WILLIAMS, PORTER, DAY & NEVILLE, P.C.  
P.O. Box 10700  
159 North Wolcott, Suite 400  
Casper, Wyoming 82602  
307-265-0700 (telephone)  
307-266-2306 (telefax)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

ESTATE OF RUSSELL MONACO, BY AND	)	
THROUGH KATHY MONACO AND ROB	)	
MONACO, PERSONAL REPRESENTATIVES,	)	CASE NO. 13-CV-151S
AND KATHY MONACO, INDIVIDUALLY	)	
AND ON BEHALF OF MINOR CHILDREN	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
HARLEY G. MORRELL, PA-C, JOHN H.	)	
SCHNEIDER, JR., M.D., NORTHERN	)	
ROCKIES NEURO-SPINE, P.C. a Wyoming	)	
Corporation, WEST PARK HOSPITAL,	)	
QUORUM HEALTH RESOURCES, LLC, a	)	
Delaware Corporation, AND JOHN DOES 1	)	
THROUGH 10	)	
	)	
Defendants.	)	
	)	

**MOTION OF DEFENDANTS JOHN H. SCHNEIDER, M.D. AND NORTHERN  
ROCKIES NEURO-SPINE PC TO DISMISS PLAINTIFFS'  
COMPLAINT PURSUANT TO FRCP 12(b)(1)**

**COME NOW** Defendants, John H. Schneider, M.D. and Northern Rockies Neuro-Spine P.C., through their attorney, Stephenson D. Emery of Williams, Porter, Day & Neville, PC, and hereby move to dismiss this action pursuant to F.R.C.P. 12(b)(1) because the allegations of the

**Motion of Defendants John H. Schneider, M.D. and  
Northern Rockies Neuro-Spine PC to Dismiss Plaintiffs'  
Complaint Pursuant to FRCP 12(b)(1)  
CASE #13-CV-151S**

*Complaint* demonstrate that Plaintiffs have no standing to bring this action, and therefore have failed to invoke the jurisdiction of this Court. A Brief containing a short, concise statement of arguments and authorities in support of this Motion, and a proposed Order granting the motion, were filed as Document 19 on September 30, 2013 by Defendant Park West Hospital. Defendants, John H. Schneider, M.D. and Northern Rockies Neuro-Spine P.C., hereby join in that Brief and incorporate it herein by reference.

DATED the 4<sup>th</sup> day of October, 2013.

JOHN H. SCHNEIDER, MD and NORTHERN  
ROCKIES NEURO-SPINE, P.A. a Wyoming  
Corporation, Defendants

/s/ STEPHENSON D. EMERY  
Stephenson D. Emery  
WILLIAMS, PORTER, DAY & NEVILLE, P.C.  
P. O. Box 10700  
159 North Wolcott, Suite 400  
Casper, Wyoming 82602  
(307) 265-0700

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 4<sup>th</sup> day of October, 2013, the foregoing *Motion of Defendants John H. Schneider, M.D. and Northern Rockies Neuro-Spine PC to Dismiss Plaintiffs' Complaint Pursuant To FRCP 12(b)(1)*, Case Number 13-CV-151S was filed electronically through the CM/ECF system, which caused the following counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing:

Jon M. Moyers  
Moyers Law, PC  
490 N. 31 Street, Suite 101  
Billings, MT 59101

Fred Paoli, Jr.  
Paoli & Brown, PC  
116 West Callender Street  
Livingston, MT 59047

Angela L. Ekker  
Lathrop & Gage  
950 Seventeenth Street, Suite 2400  
Denver, CO 90202

J. Kent Rutledge  
Corinne E. Rutledge  
Ericka S. Smith  
LATHROP & RUTLEDGE, P.C.  
1920 Thomes Ave., Suite 500  
P.O. Box 4068  
Cheyenne, WY 82003-4068

/s/ STEPHENSON D. EMERY  
Stephenson D. Emery